
TIGARD CITY COUNCIL
MEETING

FEBRUARY 25, 2003 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
FEBRUARY 25, 2003

6:30 PM

- STUDY SESSION
 - > TUALATIN VALLEY FIRE & RESCUE BRIEFING
 - > TRAINING WITH THE CITY ATTORNEY – CONFLICT OF INTEREST, PUBLIC MEETING LAW, LAND USE MATTERS
- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss labor negotiations and current or potential litigation under ORS 192.660(1d) and (1h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING
 - 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items
2. VISITOR'S AGENDA (Two Minutes or Less, Please)
3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
 - 3.1 Approve Council Minutes for January 14, 21, 28, and February 11, 2003
 - 3.2 Approve Revision to Citywide Personnel Policies on Electronic Communication Article No. 45-O – Resolution No. 03 - _____
 - 3.3 Local Contract Review Board:

- a. Award Contract for Engineering Services for the Hall Boulevard and Wall Street Improvement Project to DeHaas & Associates
 - b. Award Contract for the Tigard City Hall HVAC Modification Project to Portland Mechanical Contractors
- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*
- 4. DISCUSSION WITH STATE SENATOR GINNY BURDICK AND STATE REPRESENTATIVE MAX WILLIAMS
 - a. Comments by Senator Burdick and Representative Williams
 - b. Council Discussion
- 5. CONSIDER TRANSFERRING APPROPRIATIONS WITHIN THE WATER CAPITAL IMPROVEMENT PROGRAM FUND AND CREATING A NEW POSITION TO MANAGE WATER CAPITAL IMPROVEMENT PROGRAM PROJECTS
 - a. Staff Report: Finance Department
 - b. Council Discussion
 - c. Council Consideration: Resolution No. 03 - _____
- 6. COUNCIL LIAISON REPORTS
- 7. NON AGENDA ITEMS
- 8. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- 9. ADJOURNMENT

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AGENDA ITEM # Study Session
FOR AGENDA OF February 25, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Tualatin Valley Fire and Rescue Introduction and Report on the Manchester Square Apartment Fire

PREPARED BY: Greer Gaston DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Meet with representatives from Tualatin Valley Fire and Rescue and receive a report on the Manchester Square Apartment fire.

STAFF RECOMMENDATION

Informational item, no Council action required.

INFORMATION SUMMARY

Captain Mike Duyck, Deputy Fire Marshall Kate Stoller and Community Liaison Storm Smith will introduce themselves, briefly discuss the services Tualatin Valley Fire and Rescue provides and report on the Manchester Square Apartment fire.

OTHER ALTERNATIVES CONSIDERED

Not applicable.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Public Safety Goal #1, Action Committee Strategy: "Fire safety education will be effectively promoted within the community."

ATTACHMENT LIST

None.

FISCAL NOTES

Not applicable.

AGENDA ITEM # Study Session
FOR AGENDA OF February 25, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE City Council Training Presented by the City Attorney

PREPARED BY: Greer Gaston DEPT HEAD OK CITY MGR OK

ISSUE BEFORE THE COUNCIL

Participate in training provided by the City Attorney's office.

STAFF RECOMMENDATION

Informational item, no Council action required.

INFORMATION SUMMARY

City Attorney Tim Ramis will provide training on various City Council-related topics including conflict of interest, financial gain, public meeting law and quasi-judicial land use matters.

OTHER ALTERNATIVES CONSIDERED

Not applicable.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

1. PowerPoint Presentation

FISCAL NOTES

Not applicable.

**PRESENTATION ON PUBLIC
MEETING LAW AND ON
ETHICS ISSUES**

**RAMIS CREW CORRIGAN &
BACHRACH LLP**

Timothy V. Ramis

OUTLINE OF PRESENTATION

- ORS Chapter 244
 - Conflict of interest
 - Financial gain
- Quasi-judicial cases
 - Bias
 - Ex parte contacts

ORS CHAPTER 244

**Conflict of Interest
Financial Gain**

APPLICABILITY

- ORS Chapter 244 provides rules applicable to all public officials, including city council members

CONFLICTS OF INTEREST

- For purposes of ORS Chapter 244, the term "conflict of interest" refers only to financial conflicts of interests.
- A conflict of interest is an action, decision or recommendation that would or could result in a pecuniary benefit to the person taking the action, to a relative or to a business in which the person or relative has an interest

DISTINGUISHING BETWEEN ACTUAL AND POTENTIAL CONFLICTS

- The difference between an actual and a potential conflict of interest is that an **actual** conflict occurs when the action **would** result in a financial benefit, whereas in a **potential** conflict, the action **could** (but would not necessarily) result in a financial benefit.

HANDLING CONFLICTS

- When there is a **potential** conflict of interest, the council member must announce and explain the potential conflict, but may continue to participate.
- When there is an **actual** conflict, the council member must announce the nature of the conflict and refrain from further participation as a public official, unless an exception applies.

EXCEPTIONS

- The "class" exception -- allows a public official to participate in a decision that affects an entire class of people equally, not just the official, or the official's relatives or business. For example, a council member who is an architect may participate in a decision that requires certain types of drawings to be prepared by an architect.
- The "necessary to take action" allows a council member to vote, but not to otherwise participate, if the vote is needed so that the council can act.

FINANCIAL GAIN

- No public official may use official position to obtain financial gain or avoid financial detriment that would not be available if not for the official position. Salary, some honoraria, reimbursement for expenses, and unsolicited awards are permissible.
- Receipt of gifts in excess of \$100 aggregate from a single source other than from relatives and friends is prohibited.
- Voting on something in exchange for future employment is prohibited.

ADDITIONAL RESTRICTIONS

- Public officials cannot use confidential information obtained as a public official for personal gain.
- Public officials cannot represent others for a fee before their own jurisdiction. If a council member is a land use planner, the council member cannot represent an applicant or opponent in a City process for a fee.

REPORTING

- All elected officials must annually (by April 15) provide a verified statement of economic interest with the GSPC.

OPINION LETTERS AND ADVICE

- Relying on the advice of an attorney, even the City Attorney, is not a defense to a claim of violation of the government standards and practice rules.
- The GSPC staff can issue informal opinions, which are useful guidelines but even those do not provide a defense (staff decisions do not bind the Commission).
- Formal written opinions of the GSPC may be relied on and shield the requestor from liability if the advice is followed, but they can take six months to get, by which time it is usually too late.

CAUTION

- GSPC staff members take their role very seriously. While this is good and has generally resulted in honest and ethical government, the GSPC staff often takes position that are unreasonably restrictive. For example, they have been known to take the position that a planning commissioner who owns a store cannot vote on a subdivision because persons from the subdivision would increase the store's business because it is the only store in town.

PROCEDURES

- After a complaint is filed, there is a confidential preliminary review that can last 90 days. If there is reason to believe a violation has occurred, there is a 120-day investigative phase. At the end of that period, the agency can dismiss the case, seek a settlement, continue the investigation, or hold a hearing. Appeals of a decision are to the Court of Appeals.

QUASI-JUDICIAL CASES

DISTINGUISHING QUASI-JUDICIAL AND LEGISLATIVE

- Legislative decisions are ones that involve large numbers of people and or property and that create rules of general applicability
- Quasi-judicial decisions apply existing law to concrete facts and generally apply to a limited number of people or small areas
- Staff or the City Attorney's office can provide advice as to whether a particular decision is legislative or quasi-judicial

ADDITIONAL RULES

- In addition to the financial conflict of interest rules, which apply always, additional issues must be considered in quasi-judicial cases, including quasi-judicial land use cases
- The two main additional considerations are bias and ex parte contacts

BIAS

- Participants in a quasi-judicial proceeding have the right to an impartial tribunal.
- When the decision maker is a collective body, each member must be free from bias
- Therefore, if a council member is personally biased so as to prevent that council member from making an impartial decision, the council member must refrain from participation.
- Bias normally involves a personal relationship - political opinions by themselves do not normally constitute bias
- Bias may be positive or negative

EX PARTE CONTACTS

- In quasi-judicial cases, ex parte contacts must be disclosed.
- An ex parte contact is any contact concerning the substance of the quasi-judicial matter with a person other than staff.
- In land use cases, if ex parte contacts are fully disclosed, the council member may participate.
- Site visits must be disclosed.

PUBLIC MEETING LAW

PUBLIC MEETING LAW

- All meetings of the Council are subject to state public meeting law. ORS 192.610 - 192.690
- Public meetings must be noticed and accessible
- Decisions must be made in public based on public information
- Electronic meetings are possible, so long as public has the ability to listen in

WHAT CONSTITUTES A MEETING

- Any time a quorum is present and City business is discussed, a meeting subject to the public meeting law is being held.
 - If three council members are present and the meeting has not been noticed, do not discuss City issues.
 - Three council members are present, even if not physically present, if all can communicate. Conference calls, instant messaging and even e-mails can constitute a public meeting if there are simultaneous communications involving a quorum

PERMISSIBLE MEETINGS

- Meeting that are duly noticed and held in an accessible location
- On-site inspections, so long as the on-site inspections are not used to discuss business more than necessary to conduct the inspection
- Attendance at meetings or seminars of national, regional and state associations that the City belongs to

RULES REGARDING MEETINGS

- Meetings must be within the City.
- Public meeting law requires accessibility but for the most part does not require public participation.
- Public participation is required under public meeting law only as to limited matters relating to employment of city appointed officials, particularly the City Manager.

EXECUTIVE SESSIONS

- Executive sessions are permitted only as to items for which statutes specifically allow an executive session.
- Permissible bases for executive sessions include:
 - Discussions with city negotiators in real estate transactions or with City labor negotiators
 - Discussions with City Attorney regarding litigation
 - Discussion of privileged communications
- No final action may be taken in executive sessions.

MEDIA AT EXECUTIVE SESSIONS

- The media cannot be excluded from executive sessions, except when the reporter or the reporter's employer is directly involved in the subject of the meeting

CONSEQUENCES OF PUBLIC MEETING LAW VIOLATIONS

- Decisions can be voided if taken in violation of public meeting law.
- Civil penalties may be imposed for abuse of executive sessions.

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
January 14, 2003

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the City Council & Local Contract Review Board meeting to order at 7:30 p.m.
- 1.2 Roll Call: Mayor Griffith, Councilors Dirksen, Moore, Sherwood, and Wilson
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. OATH OF OFFICE CEREMONY

- Municipal Court Judge Michael O'Brien administered the Oaths of Office to the following individuals elected by Tigard voters on November 5, 2002, as Mayor and Councilors to serve January 1, 2003 to December 31, 2006.
 - Mayor Jim Griffith
 - Councilor Sydney Sherwood
 - Councilor Nick Wilson

3. VISITOR'S AGENDA (Two Minutes or Less, Please)

- Paul Brems, Tigard High School Student Envoy to the City of Tigard, reviewed upcoming leadership events at the high school.

4. STATE OF THE CITY ADDRESS

- Mayor Griffith delivered the State of the City Address. A copy of the outline of the Mayor's remarks is on file in the City Recorder's office. The Mayor remarked on the following issues, both from a historical perspective and in relation to the recent citywide goals set by the City Council at a recent goal-setting meeting:
 - Transportation
 - Parks and Recreation
 - Downtown
 - Water
 - Growth Management
 - Library
 - Communications
 - Finances
 - Work Environment
 - Public Safety

5. ELECTION OF COUNCIL PRESIDENT

The Tigard City Charter states:

At its first meeting of each odd-numbered year, the council by ballot shall choose a president from its membership. In the mayor's absence from a council meeting, the president shall perform the duties of the office of mayor and preside over it. Whenever the mayor is physically or mentally unable to perform the functions of office, the president shall act as the mayor pro tem.

In accordance with the Charter provisions, Council members cast ballots and elected Councilor Craig Dirksen, by unanimous vote, to serve as Council President from January 14, 2003 to December 31, 2004. The ballots are on file in the City Recorder's office.

6. TIGARD BEYOND TOMORROW VISION 2002 ANNUAL REPORT

Assistant to the City Manager Newton presented the staff report on this agenda item. The Tigard Beyond Tomorrow process has now completed its fifth year of working towards the community's long-term goals. A copy of the staff report and the Tigard Beyond Tomorrow 2002 Progress Report is on file in the City Recorder's office.

7. ADJOURNMENT: 8:20 p.m.

Attest:

Catherine Wheatley, City Recorder

Mayor, City of Tigard

Date: _____

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COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
January 21, 2003

1. WORKSHOP MEETING

- 1.1 Mayor Griffith called the meeting to order at 6:31 p.m.
- 1.2 Roll Call: Mayor Griffith and Councilors Dirksen, Moore, Sherwood, and Wilson were present.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non Agenda Items: None.

2. JOINT MEETING WITH THE INTERGOVERNMENTAL WATER BOARD TO HEAR AN UPDATE ON THE BULL RUN REGIONAL DRINKING WATER AGENCY PHASE II REPORT – PART 3

Intergovernmental Water Board members present: Jan Drangsholt, Norman Penner, and Bill Sheiderich

Presentation by Public Works Director Wegner focused primarily on the potential for Tigard to join the Joint Water Commission and ownership of water rights. The JWC and other agencies are exploring expanding water availability in the Tualatin River Basin. This work includes completion of a capital improvement program in which the cornerstone is the Tualatin Basin water Supply Feasibility Study (Scoggins Dam Raise, or alternatives) as well as the Raw Water Pipeline Project. Both of these projects are anticipated to develop new supply of which Tigard could obtain ownership based on our investment.

At this time Portland appears to have lost interest in aggressively pursuing a Regional Drinking Water Agency. Portland Mayor Vera Katz indicated that this was not a high priority for Portland now.

A copy of the Staff Report and PowerPoint presentation is on file in the City Recorder's office.

> ADMINISTRATIVE ITEMS

The following items were reviewed with the City Council by City Manager Monahan:

- Hotel-Motel Talking Points

City Council discussed a request from LOC Executive Director Ken Strobeck to discuss with Senator Burdick and Representative Williams the bill sponsored by the Tourism Commission to impose a 1% tax for tourism promotion and to freeze all city lodging taxes with future increases going only to tourism promotion. Concern by LOC is that this represents a preemption, which is a basic violation of the Constitutional provision regarding home rule authority for cities.

- Tri-Met Payroll Tax for Commuter Rail

Tri Met plans to seek authorization for the Legislature to increase the region's payroll tax by one-tenth of one percent, phased in over ten years (one, one-hundredth of a percent per year) to meet continued demand for improvements to bus and rail services. Proposed improvements to local bus service in Tigard and commuter rail would benefit from the package according to Tri Met officials. Consensus of Council was that a letter of support could be sent if Tri Met commits to Tigard receiving an equitable return of service in response to the amount of payroll tax generated within our community. Administration staff will draft a letter.

- Public Safety Coordinating Council

After brief discussion, Council consensus was to support Councilor Tom Johnston of Forest Grove to fill the vacant Mayor/City Councilor position on the Public Safety Coordinating Council (PSCC). Administration staff will notify PSCC Staff.

3. DISCUSSION WITH STATE SENATOR GINNY BURDICK AND STATE REPRESENTATIVE MAX WILLIAMS

Topics discussed included:

- Proposal by Tourism Commission regarding preemption on cities' ability to raise lodging taxes. Representative Williams advised he does not sense there is a groundswell of support for this proposal advising he has had contact against such a proposal from cities, counties and the League of Oregon Cities. Senator Burdick said she does not support preemption of local government's abilities to raise revenue.
- Mayor thanked Representative Williams for his support with regard to Systems Development Charges. Representative Williams and Senator Burdick advised the

League of Oregon Cities has expressed concerns about SDC's; however, no bill has been proposed on this subject.

- A reduction to state-shared revenues for cities has not been proposed.
- Discussed the exporting of tax dollars from Washington County and that Washington County is not receiving a proportionate share of services (social services, transportation, education). Representative Williams also noted concern and referred to mental health services – Washington County receives the lowest amount of services per capita than any other county in the state.
- Transportation – The Governor has proposed a package that has been generally well received. Representative Williams, in response to a question from Mayor Griffith, recommended that Tigard work with County Board Chair Brian and Commissioner Rogers to influence long-term decisions on transportation.
- School funding discussed. Solutions under consideration include a local option tax and identifying a dedicated source of funding to take schools out of the general fund budget (schools represent 42% of the general fund).
- Right of way authority (franchise fees) – Representative Williams said he did not anticipate that this would be an issue this Session. He referred to the recent court case in favor of LOC's position that local governments impose and collect franchise fees.

4. JOINT MEETING WITH BUDGET COMMITTEE FOR REVIEW OF SOCIAL SERVICE AGENCIES PRESENTATIONS ON PROGRAMS, SERVICES, AND FUTURE FUNDING NEEDS

Presentations were given by representatives from Christmas in April, American Red Cross, Learning Adventures and the Sexual Assault Resource Center.

Finance Director Prosser noted that appointments to the Social Service Subcommittee were needed. After brief discussion, Councilor Dirksen and Budget Committee Members Benner and Woodruff agreed to serve on this subcommittee. Budget Committee meetings are scheduled for every Monday evening in May.

5. DISCUSS PROPOSED INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF TIGARD AND CLEAN WATER SERVICES

Public Works Director Wegner, and Clean Water Services staff members Cruz and Bowles were present to discuss the intergovernmental agreement. A copy of the staff report outlining key issues is on file with the City Recorder. Public Works staff has completed the negotiations with Clean Water Services and will be recommending approval and authorization for the Mayor to sign the IGA at the January 28 Council meeting.

6. UPDATE ON THE LONG-RANGE PLANNING DIVISION PROGRAM

Community Development Director Hendryx and Planning Manager Shields updated Council on the Long-Range Planning Program projects, activities and priorities. Projects identified included Bull Mountain Annexation, Downtown/Commuter Rail, Washington Square Regional Center Plan/Implementation Program, Transportation, and the Metro UGB Expansion. Federal/State/Regional Mandates and Programs included the Affordable Housing Program, Regional Coordination of Natural Resources Protection Program (Goal 5). Ongoing research programs included Data Resource Analysis and Collection, General Grand Search and Assistance, and the Geographic Information System support. Copies of the charts and the staff report reviewed by the City Council are on file in the City Recorder's office.

Council is scheduled to adopt Council goals on January 28. Council members noted they would like to compare goals to the projects and programs mentioned tonight to get a better idea about whether priorities for resources are assigned appropriately. Community Development staff was asked to give Council another update in about a month.

7. COUNCIL LIAISON REPORTS: None

8. NON-AGENDA ITEMS: None

9. EXECUTIVE SESSION: No held

10. ADJOURNMENT: 10:09 p.m.

Attest:

Catherine Wheatley, City Recorder

Mayor, City of Tigard

Date: _____

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
January 28, 2003

Mayor Griffith called the meeting to order at 6:31 p.m.

Council Present: Mayor Griffith, Councilors Dirksen, Moore, Sherwood, and Wilson

- STUDY SESSION

- REVIEW FINAL DESIGN DEVELOPMENT PLANS FOR THE NEW TIGARD LIBRARY

Library Director Barnes presented the final designs to the Council for review. The next step will be development of blueprints and other construction documents. Ms. Barnes will review with the architects the orientation of the entrance to the library after Councilor Wilson noted that it looked as if people would enter and then need to turn back to enter the main library. Ms. Barnes will also check the number of bicycle spaces – the plans show 48. City Engineer Duenas commented on the Wall Street extension if ODOT approves the plans. Two man-made ponds would be removed, which would create a free-flowing stream.

- ADMINISTRATIVE ITEMS

City Manager Monahan reviewed the following items with City Council:

- Consent Agenda – Procedural Question

City Manager noted that Council groundrules and practice has been that if a Council member has a question on an item on the Consent Agenda, then that member will contact him to advise him of the question no later than noon on the meeting date. This request is made so that it can be determined whether a staff member for a certain item on the Consent Agenda should attend the Council meeting. Council consensus was in agreement with continuing with this practice.

Councilor Wilson asked about the mosquito control services agreement, noting that the \$1500 amount seemed low. Discussion followed. Staff noted that this was for the continuation of a vector control program, initiated by concerns of citizens in Durham experiencing mosquito problems that is now in its third year. This does not address the issue of the West Nile

Virus, which the County is reviewing. The County will implement a public information program; for example, alerting the public about the open areas of standing water and what to do about it. If further treatment is needed to respond to the West Nile Virus, Assistant Public Works Director Koellermeier noted that with an agreement in place with Multnomah County, it could be amended to implement additional measures.

- NLC Small Cities Council

City Manager referred to the request that Tigard advise LOC if we wish to nominate an Oregon Delegate to serve a two-year term on the NLC Small Cities Council. Council members will contact the City Manager if interested.

- Police Chief Bill Dickinson

City Manager advised that new Police Chief Bill Dickinson will arrive next Monday. He will be sworn in at the February 11 Council meeting. City Council members supported the City Manager's proposal to temporarily assign Chief Goodpaster to the vacant Captain's position for up to 60 days for a transition period for the new Chief.

- Oregon Local Leadership Institute Workshops

City Manager referred to a list of workshops offered that was sent to the City Council. Council members will contact staff if they are interested in attending. Also, Mr. Monahan advised that the City Attorney will be providing some training on conflict of interest, public meeting law, and land use (quasi-judicial/legislative) matters on February 25, 2003. He advised that City Attorney Ramis was unable to attend tonight's meeting, which will give the Council and the City Manager an opportunity to determine whether it might be possible to have the City Attorney attend one business meeting a month, rather than two. Mr. Monahan referred to legal costs for the City this budget year, which are running high.

- Certificate of Appreciation

City Manager Monahan advised Council that the City of Tigard received a Certificate of Appreciation for collecting 200 pounds of food during the Leaf Collection Days on November 9 and 23.

- Letter of Support for Tri-Met Payroll Tax

Council received a copy of a draft letter to Tri Met supporting a potential increase in payroll tax if funding is identified that is connected to expansion of Tigard local bus service; if there is a commitment of funding to the commuter rail system; and if there was an equitable return of service to our community in response to the amount of payroll tax contributed by businesses within our community. Council consensus was the draft letter should be signed by the Mayor and sent to Tri Met.

- Review of February & March Council Meeting Tentative Agendas

City Manager Monahan reviewed the tentative agendas for Council meetings for the next two months. Mayor Griffith noted that Tigard-area State Legislators would be visiting with the Council again on February 25; he asked that if Council members had questions for Senator Burdick or Representative Williams that they submit these questions in advance.

- EXECUTIVE SESSION: Not held

Meeting recessed at 7:25 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the City Council and Local Contract Review Board meeting to order at 7:30 p.m.
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. VISITOR'S AGENDA

Paul Hunt, 10320 SW Century Oak Drive, Tigard, Oregon, read and submitted a letter to the City Council in response to an article in the Washington County Weekly section of the *Oregonian*. Mr. Hunt noted his support for the Wall Street Extension to eliminate congestion and promote connectivity; however, he noted concerns if this would create issues with the railroad company and traffic delays because this area is used for switching cars. He urged the City consider a bridge or overpass.

City Manager Monahan advised that engineering work is being done for the Wall Street LID. Discussion on formation of the LID will be scheduled at a future

Council meeting (City Recorder's note: this matter scheduled for the meeting of March 11, 2003).

7:45 PM

3. CONSENT AGENDA: Motion by Councilor Moore, seconded by Councilor Sherwood to approve the Consent Agenda as follows:

- 3.1 Approve Council Minutes for November 26, December 10 and 17, 2002.
- 3.2 Receive and File: Council Goal Update – Quarter 4 of 2002
- 3.3 Endorse the Submittal of a Federal Recreational Trails Program (RTP) Grant Application – Resolution No. 03 - 01
- 3.4 Endorse Tualatin River Bridge Grant Application – Resolution No. 03 - 02
- 3.5 Approve Intergovernmental Agreement between the City of Tigard and Clean Water Services and Authorize the City Manager to Sign
- 3.6 Approve Intergovernmental Agreement between the City of Tigard and Multnomah County for Mosquito Control Services and Authorize the City Manager to Sign
- 3.7 Local Contract Review Board:
 - a. Award Contract for the Construction of the Durham Road Traffic Signalization at 98th Avenue Project
 - b. Award Contract for Appraisal and Land Acquisition Services for the Walnut Street and SW 121st Avenue Improvement Project
 - c. Authorize the Purchase of a 16-Foot Mower from Machinery Components Company, Inc.
 - d. Authorize the Purchase of a Volvo 10 Yard Dump Truck

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

4. APPROVE COUNCIL GOALS FOR 2003

City Manager Monahan reviewed the staff report. Council discussed the goals as drafted and made the following changes:

- Goal 3, Transportation, A. 2. was changed to read: "Identify project priorities and funding needs for state and city facilities.
- Goal 4, Parks and Recreation, A., B., and C., were changed to read:
 - A. Continue the efforts of the Youth Forum.
 - B. Complete or update parks master plans for city facilities.
 - C. Explore the creation of a Parks and Recreation Advisory Board.

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt the City Council Goals for 2003 as amended.

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

5. AFFORDABLE HOUSING FEE PRESENTATIONS

Associate Planner Roberts presented the Staff Report on the request from Community Partners for Affordable Housing (CPAH) to award housing fee assistance funds. CPAH Representative Martin Soloway, 3276 NE Skidmore, Portland, Oregon, described the projects underway and that permit fees will likely exceed the \$4,500 fee assistance amount noted in the staff report. Council discussed this matter and consensus was for support of up to \$5,000 in fee assistance for city permits required for CPAH projects this fiscal year.

Motion by Councilor Dirksen, seconded by Councilor Sherwood, to authorize up to \$5,000 fee reimbursement to the Community Partners for Affordable Housing.

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

6. AUTHORIZE SALE OF SURPLUS PROPERTY LOCATED AT 13230 SW 154TH AVENUE (CLUTE PROPERTY) USING A REAL ESTATE BROKER

Finance Director Prosser presented the staff report. Staff requested that Council list the property located at 13230 SW 154th Avenue for sale with a local real estate broker on a multiple listing basis, using the same minimum price as in the previous solicitation. The broker shall be selected in accordance with TMC 3.44.025.

Motion by Councilor Moore, seconded by Councilor Dirksen, to adopt Resolution No. 03-03.

RESOLUTION NO. 03-03 – A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY LOCATED AT 123230 SW 154TH AVENUE (CLUTE PROPERTY) USING A REAL ESTATE BROKER

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

7. COUNCIL LIAISON REPORTS: None

8. NON AGENDA ITEMS: None

9. EXECUTIVE SESSION: Not held

10. ADJOURNMENT: 8:16 p.m.

Attest:

Catherine Wheatley, City Recorder

Mayor, City of Tigard

Date: _____

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COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
February 11, 2003

Mayor Griffith called the meeting to order at 6:30 p.m.

Council Present: Mayor Griffith, Councilors Dirksen, Moore, Sherwood, and Wilson

- STUDY SESSION

- ADMINISTRATIVE ITEMS

- Request for MPAC Contribution – Letter from Hillsboro Mayor Tom Hughes

Council agreed with the Staff recommendation that the City will not participate through a monetary contribution to MPAC but will continue to offer Tigard staff support to MPAC.

City Manager will send a letter to Mayor Hughes conveying the Council's direction as noted above.

- Swim Center Closure Communications

Council discussed the decision by the School Board to close the two swim center operations in the District. Council discussed the failed attempt to form a Recreation District (voters rejected formation of the Atfalati Recreation District). In keeping with Council Goals, Administration staff will draft a resolution for Council review and consideration to form a Parks and Recreation Board.

- City Attorney Coverage for Council Meetings

Council agreed with City Manager's proposal to limit the attendance of a City Attorney to one meeting per month. (City Recorder's note: City Attorney is scheduled to attend the following Council meetings: February 25, March 11, April 8, May 13, and June 10.)

- NLC Small Cities Council Appointment

League of Oregon Cities recommended, and Council agreed with this recommendation, to appoint Rod Hardin City Councilor for Hermiston to the NLC Small Cities Council.

- JPACT Nomination

Council concurred with Beaverton's nomination of Rob Drake and Lou Ogden (alternate) to serve on JPACT. Mayor Griffith will sign a letter to Beaverton Mayor Drake advising of Tigard's support of these two nominees.

- Follow-Up Communication to Council

Brief discussion was held on process when e-mails are received at City Hall addressed to the Mayor and Council from citizens expressing a complaint or a concern. Council concurred with City Manager Monahan's suggestion that copies of staff follow-up responses to the e-mail originator will be forwarded to Council in their weekly mail packets.

- Employee Recognition Event

Council was reminded about the Employee Recognition Event on March 7, 3-4 p.m., in the Town Hall. Mayor Griffith indicated he would attend.

- Tigard Central Business District

The TCBDA will meet on Thursday, 6:30 p.m., in the Tigard Chamber of Commerce building.

- Reception for retired Chief of Police Ron Goodpaster

Council discussed their availability the week of March 10 or 17 for a reception to honor retiring Chief of Police Ron Goodpaster. (City Recorder's note: Preliminary arrangements have been made as follows: March 20, 6-8:30 p.m., Tigard High School Commons).

- DISCUSSION REGARDING COUNCIL LIAISON ASSIGNMENTS, REPORTS TO COUNCIL, AND COMMUNICATIONS

Council discussed how they would communicate on current activities on their Council liaison assignments to various boards and committees. Mayor Griffith noted the importance of keeping the Council and public informed. After discussion, Council agreed that brief updates will be made during the Council business meeting (televised). At the beginning of the business meeting the Mayor will ask if there are any updates and Council members will announce whether or not they have information to share. Short updates will then be

given at the end of the meeting under the agenda item entitled: "Council Liaison Reports." Council members will discuss board and committee issues that require Council review and direction during the Study Session.

Meeting recessed at 7:13 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the City Council and Local Contract Review Board meeting to order at 7:30 p.m.
- 1.2 Roll Call: Mayor Griffith, Councilors Dirksen, Moore, Sherwood, and Wilson.
- 1.3 Pledge of Allegiance: Cub Scout Pack 232 will led the Pledge of Allegiance and Flag Ceremony
- 1.4 Council Communications & Liaison Reports: Mayor advised he would report on a recent Metro Policy Advisory Committee meeting – See Agenda Item No. 12)
- 1.5 Call to Council and Staff for Non-Agenda Items

2. VISITOR'S AGENDA (Two Minutes or Less, Please)

Tigard High Leadership President Paul Brems updated Council on February events at the Tigard High School, which included a Blood Drive, Tigerette Competition, MORP spirit week, Senior Citizen Prom, Girls Varsity Playoffs and the *Stuart Little* winter play.

3. CONSENT AGENDA: Motion by Councilor Dirksen, seconded by Councilor Wilson to approve the Consent Agenda as follows:

- 3.1 Approve Council Minutes for January 6, 2003
- 3.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

4. OATH OF OFFICE CEREMONY – CHIEF OF POLICE WILLIAM DICKINSON

City Manager Monahan introduced this agenda item by reviewing Police Dickinson's extensive law enforcement background and the Chief of Police selection process.

Newly appointed Police Chief William Dickinson was sworn in by Municipal Court Judge O'Brien.

Chief Dickinson thanked the Council for the opportunity to serve as Tigard's Chief. He noted he would like to continue to carry forward the Department's mission to keep Tigard on the leading edge in community policing and law enforcement.

5. INTRODUCTION: DELEGATION FROM SAMARINDA, INDONESIA

City Manager Monahan gave a brief overview of the partnership with the City of Tigard and Washington County with Samarinda/Kutai, Indonesia. Mr. Syaharie Jaang and Mr. Maysud Syahid were introduced to and welcomed by the City Council.

Assistant to the City Manager Newton overviewed the training offered to the Indonesian delegation, which included techniques for citizens' involvement and participation, volunteer programs, options on how to approach long-term water issues, establishment of police programs such as D.A.R.E., water conservation and recycling programs.

S. Carolyn Long, Executive Director of the Tigard Area Chamber of Commerce welcomed the delegation with gifts and presented a proclamation to them.

Representatives of Tigard Valley Fire & Rescue Engine 51 also welcomed the delegation and presented them with hats.

Mr. Jaang thanked the City for the training programs and for Tigard's hospitality. He also noted he was favorably impressed by the freedom for people of his Muslim faith to freely worship in the United States. He said he would bring back to the people of Samarinda that to keep world peace, we must all respect people of other religions.

Mayor Griffith noted the potential to continue a relationship with Samarinda city government by developing a sister-city arrangement.

6. UPDATE ON THE NEW TIGARD LIBRARY

Library Director Barnes reported on the progress of the project and updated on site plan meetings and fundraising efforts. Future public meetings for the Site Master Plan for the Fanno Creek Extension are scheduled for Wednesday, February 26, 7:30 – 9 p.m. in Town Hall and Thursday, April 3, 7:30 – 9 p.m.

7. CONSIDER INTERAGENCY GANG ENFORCEMENT TEAM (IGET) INTERGOVERNMENTAL AGREEMENT

Police Chief Dickinson presented the staff report. Council briefly discussed this item.

Motion by Councilor Sherwood, seconded by Councilor Wilson, to approve the Interagency Grant Enforcement Team Intergovernmental Agreement.

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

8. CONSIDER WASHINGTON COUNTY INTERAGENCY NARCOTICS TEAM MEMORANDUM OF UNDERSTANDING

Police Chief Dickinson presented the staff report. Council briefly discussed this item.

Motion by Councilor Moore, seconded by Councilor Sherwood, to approve the Washington county Interagency Narcotics Team Memorandum of Understanding.

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

9. CONSIDER INTERAGENCY CLANDESTINE DRUG LAB RESPONSE TEAM AGREEMENT

Police Chief Dickinson presented the staff report. Council briefly discussed this item.

Motion by Councilor Wilson, seconded by Councilor Dirksen, to approve the Interagency Clandestine Drug Lab Response Team Memorandum of Understanding.

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

10. CONSIDER AN AMENDMENT TO THE TIGARD MUNICIPAL CODE (TMC) TO CLARIFY CITY AUTHORITY TO AUDIT PAYMENTS MADE TO THE CITY

Finance Director Prosser presented the staff report. This issue arose in conjunction with the joint audit of franchised utilities by Oregon cities. The City of Tigard reserves the right to audit franchise fee payments by including such a provision in the franchise agreements. The proposed code amendment does not grant any authority that the City does not already have. It does, however, confirm that authority and it ensures that the audit authority is applied in a consistent manner to all payments made to the City regardless of origin.

Motion by Councilor Moore, seconded by Councilor Sherwood, to adopted Ordinance No. 01-01.

ORDINANCE NO. 01-01 -- AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE BY ADDING A NEW SECTION TO CLARIFY CITY AUTHORITY TO AUDIT PAYMENT MADE TO THE CITY

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

11. UPDATE ON YOUTH FORUM ACTIVITY

Assistant to the City Manager Newton gave an update on the Mayor's Youth Forum including the After School Program offered at middle schools, the Search Institutes Assets Survey, and plans to work with Youth Council members.

12. COUNCIL LIAISON REPORTS

Mayor Griffith reported on priorities listed by the Metro Policy Advisory Committee:

1. Implementation of 2040 Centers. The Hwy 217 Study is high on the list for funding.
2. Impact of the UGB and expansion of industrial employment areas.
3. Goal 5 – the City of Tigard has regulations in place.
4. Future role of agriculture (nurseries).

Councilor Wilson asked about maps identifying drainage areas. A review of the latest maps relating to these areas will be scheduled for a future Council meeting.

13. NON AGENDA ITEMS: None

14. EXECUTIVE SESSION: Not held

15. ADJOURNMENT: 8:53 p.m.

Attest:

Catherine Wheatley, City Recorder

Mayor, City of Tigard

Date: _____

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AGENDA ITEM # _____
FOR AGENDA OF February 25, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approve Revisions to Citywide Personnel Policies on Electronic Communication
Article No. 45-0

PREPARED BY: Sandra Zodrow DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the City Council adopt a resolution to revise the citywide personnel policies updating the electronic communication article?

STAFF RECOMMENDATION

Staff recommends passing a Resolution to update the Citywide Personnel Policies, Article 45.0, Electronic Communication.

INFORMATION SUMMARY

The City Council approved Resolution No. 00-08 in March 2000, which adopted the Citywide Personnel Policies including an article regarding electronic communication. The current personnel policies regarding cell phone usage only addressed the use of City-owned cell phones. The attached revisions to this article (noted in bold in Exhibit A) establish policy regarding the use of an employee's personal cell phone during working hours. Staff recommends this revision to Article No. 45.0 be effective upon adoption by Council.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Copy of current Citywide Personnel Policies, Electronic Communication Article No.455.0, Exhibit A

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON

RESOLUTION NO. 03-_____

A RESOLUTION TO REVISE RESOLUTION NO. 00-08, CITYWIDE PERSONNEL POLICIES, UPDATING ELECTRONIC COMMUNICATION ARTICLE NO. 45-0

WHEREAS, the City Council previously adopted Resolution No. 00-08, Citywide Personnel Policies including Electronic Communication Article 45.0, and

WHEREAS, the City of Tigard needs to revise the Electronic Communication article to include a new section on the use of personal cell phones in the work place, and

WHEREAS, the revisions to this article establish policy regarding the use of an employee's personal cell phone during work hours, and

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Citywide Personnel Policies, Electronic Communication Article 45.0 be revised to provide policy direction to staff on the use of personal cell phones in the work place as referenced in Exhibit A attached.

EFFECTIVE DATE: February 25, 2003

PASSED: This _____ day of _____, 2003.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

PERSONNEL POLICIES

No. 45.0

Pg. 1 of 3

ELECTRONIC COMMUNICATION

It is the City's goal to enhance both external and internal communication through the use of various electronic communication tools. All electronic communication tools are the property of the City of Tigard. Employees should have no expectation of privacy in connection with the transmission, receipt, or storage of information in these electronic communication devices. The City follows the standards and practices set by the Oregon Government Standards and Practices Commission.

TELEPHONES/VOICE MAIL

The ability to make outgoing and receive incoming telephone calls is an essential element of the City of Tigard's ability to provide service to the public. The City's telephones and voice mail system are intended to be used only for official business.

The City believes, however, there are occasions when employees may use telephones for personal purposes without such usage being at odds with the law. It is normal practice by both public and private employers to permit employees to use business telephones to talk to family members, make medical appointments, schedule service technicians, confer with children's schools, and take care of any of a variety of other matters which can only be accomplished during "regular" work hours. The City believes it is less disruptive to permit employees to make such personal calls at their workstation than to require an employee to take a break or leave from work to take care of personal matters.

Personal telephone calls made during working hours from City telephones should, of course, be brief and infrequent. Personal long distance calls, even if the employee reimburses the City for the cost, may not be made on City telephones. If it is necessary for an employee to make personal long distance calls while at work, such calls must be made with the employee's personal calling card, by placing a collect call, or by calling from a pay phone.

CELLULAR TELEPHONES

The City provides cellular phones to their employees specifically to facilitate the carrying out of official business. The City's cellular phones are not for the convenience or personal use of employees. **This policy also applies to all City of Tigard employees and their use of personal cellular telephones during work hours. The two components of this section include: (a) use of City cellular phones and (b) use of personal cellular phones.**

(a) Use of City Cellular Phones

The instances when an employee may use a City cellular phone for personal purposes are limited. An example of an occasion when an employee's personal use of a City cellular phone would not violate Oregon Government Standards and Practices Commission guidelines would be to contact a spouse or childcare provider to advise that the employee is

PERSONNEL POLICIES

No. 45.0

Pg. 2 of 3

going to be late getting home or picking up children for a reason directly related to official duties such as a meeting which ran later than expected or a last minute change of schedule. Another permitted personal use of a City cellular phone by an employee would be receiving an incoming call regarding a family emergency. Employee will not be required to reimburse the City when the cellular telephone call follows these guidelines; that is, the personal call is directly related to official duties.

A City employee cannot make a personal cellular call even if he or she intends to reimburse the City at a higher rate than that generally available to the public.

(b) Use of Personal Cellular Phones

It is the City's goal for employees to perform their duties in a productive manner without the interference of personal cellular telephone calls. Employees may not activate or use personal cellular telephones during normal work hours or in staff work areas. Use of personal cellular telephones is permitted during an employee's personal time (rest and meal periods as referenced in Citywide Personnel Policy No. 34.0).

Exceptions may be made to this policy on a limited basis based on an employee's need to be readily available to a family member with a serious illness or health condition. Employees requesting an exception to this policy must provide written documentation of the need to be available and expected duration. This request must be submitted to their department head for approval.

Employees should also note that Citywide Personnel Policy No. 60.0 stipulates the City will not reimburse an employee for any lost or damaged personal property brought to the worksite by the employee. Any employee who chooses to bring personal property and/or equipment to the workplace does so at their own risk.

Employees who violate any citywide personnel policy are subject to disciplinary action, up to and including termination.

COMPUTERS/INTERNET/E-MAIL

Employees may not generally use computers owned by the City for personal purposes. However, there are some instances in which the City believes the use of computers for personal purposes would not violate the Oregon Government Standards and Practices Commission guidelines. For example, an allowable use would be the preparation of application materials for a different position with the City, or term papers for a City-sponsored class.

PERSONNEL POLICIES

No. 45.0

Pg. 3 of 3

Employees cannot use computers and the Internet for personal purposes that could potentially result in personal financial gain. Law specifically prohibits use of City-owned equipment to avoid financial expense or for personal financial gain.

The personal use of City computers and the Internet is permitted during lunch period, 1 hour before the normal work hours, 1 hour after the normal work hours, and the time between the end of an employee's "workshift" and the beginning of an evening meeting that the City requires the employee to attend. No personal use of computers or the Internet shall be allowed on an employee's day off unless the use is related to an educational purpose that is consistent with the City's policies and has been approved by the employee's supervisor.

The City has equipped their computers with access to the Internet in order to have access to information and to provide information to the public. Personal use of the Internet is subject to the same considerations as the use of the computer itself. If an employee uses Internet access through the City's equipment in order to avoid the financial expenses of subscribing to an Internet service as a personal expense, it is a violation of the law. City equipment may not be used at any time to access inappropriate sites or to transmit or receive inappropriate information. Pornography, hate groups, and off shore gambling, are examples of inappropriate sites and access to them is a misuse of City property.

Electronic mail (e-mail) is a communication tool provided to City employees to assist them in the performance of their job duties. E-mail is transported and processed via the Internet, so sending and receiving e-mail is considered a type of Internet usage. An employee who uses the e-mail system for personal or improper reasons bears any responsibility that might arise from that usage.

The City's e-mail system should not be used to produce a document that, using good judgment, would not be produced using any other form of office communication. Use of the City's e-mail system for commercial purposes or illegal activities is prohibited including the sending of "classified ad" types of information.

AGENDA ITEM # _____
FOR AGENDA OF February 25, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approve Engineering Design Services Contract for the Hall Boulevard and Wall Street Improvement Project

PREPARED BY: Greg Berry DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board approve the award of the contract for engineering design services for the Hall Boulevard and Wall Street Improvement Project?

STAFF RECOMMENDATION

That the Local Contract Review Board, by motion, approve award of the contract to DeHaas & Associates in the amount of \$202,022 to provide engineering design services for the Hall Boulevard and Wall Street Improvement Project.

INFORMATION SUMMARY

On September 10, 2002, Council approved the award of the contract for engineering design services for the proposed Wall Street Local Improvement District. The Request for Proposals was for a full range of services to provide design, construction management, and construction staking services for the construction of the Hall Boulevard/Wall Street intersection and approaches (including signalization) and the extension of Wall Street from Hall Boulevard to Hunziker Street. However, the initial phase of the project is to determine the feasibility of constructing Wall Street across Fanno Creek and the existing railroad tracks to connect to Hunziker Street. The current scope of services includes the preparation of a Conceptual Report at 35% design completion and preparation of a Preliminary Engineer's Report at 60% completion. The Conceptual Report has been completed and will be submitted to Council on March 11, 2003, with a request for Council to determine if the project should continue with the preparation of a Preliminary Engineer's Report.

On January 21, 2003, the land use application for the new library was submitted. The approved permit is expected to require the construction of street improvements along the library frontage of Hall Boulevard and a portion of Wall Street that extends 425 feet east from Hall Boulevard. A similar land use permit has been approved for the Fanno Pointe development to the south. The permit requires the owner of the development to dedicate right-of-way for Wall Street and to improve the Hall Boulevard to the same standards as is expected to be required by the library permit.

The street improvements required for the library and the Fanno Point development are currently included in the proposed Wall Street Local Improvement District. However, the schedule for these two projects requires that the Hall Boulevard frontage improvements and the 425-foot portion of Wall Street be completed earlier than could be accomplished by the local improvement district. The proposed contract for engineering design services would

remove the design of the street improvements from the local improvement district so the design may be completed as required to accommodate the schedule of the two developments. The owner of the Fanno Pointe development has agreed to pay its proportionate share (\$19,744) of the design project to the City. The separation of scope of work for the Hall Boulevard/Wall Street intersection and approaches into a separate contract would ensure that the project design and construction could be coordinated and completed in conjunction with the new library construction and the Fanno Pointe development. The design and construction of the Wall Street Local Improvement District project to extend Wall Street from Station 4+25 to cross Fanno Creek and the railroad tracks to its intersection with Hunziker Street will be addressed through the Local Improvement District formulation process.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

This Project meets the Tigard Beyond Tomorrow Transportation and Traffic Goal of “Improve Traffic Flow.”

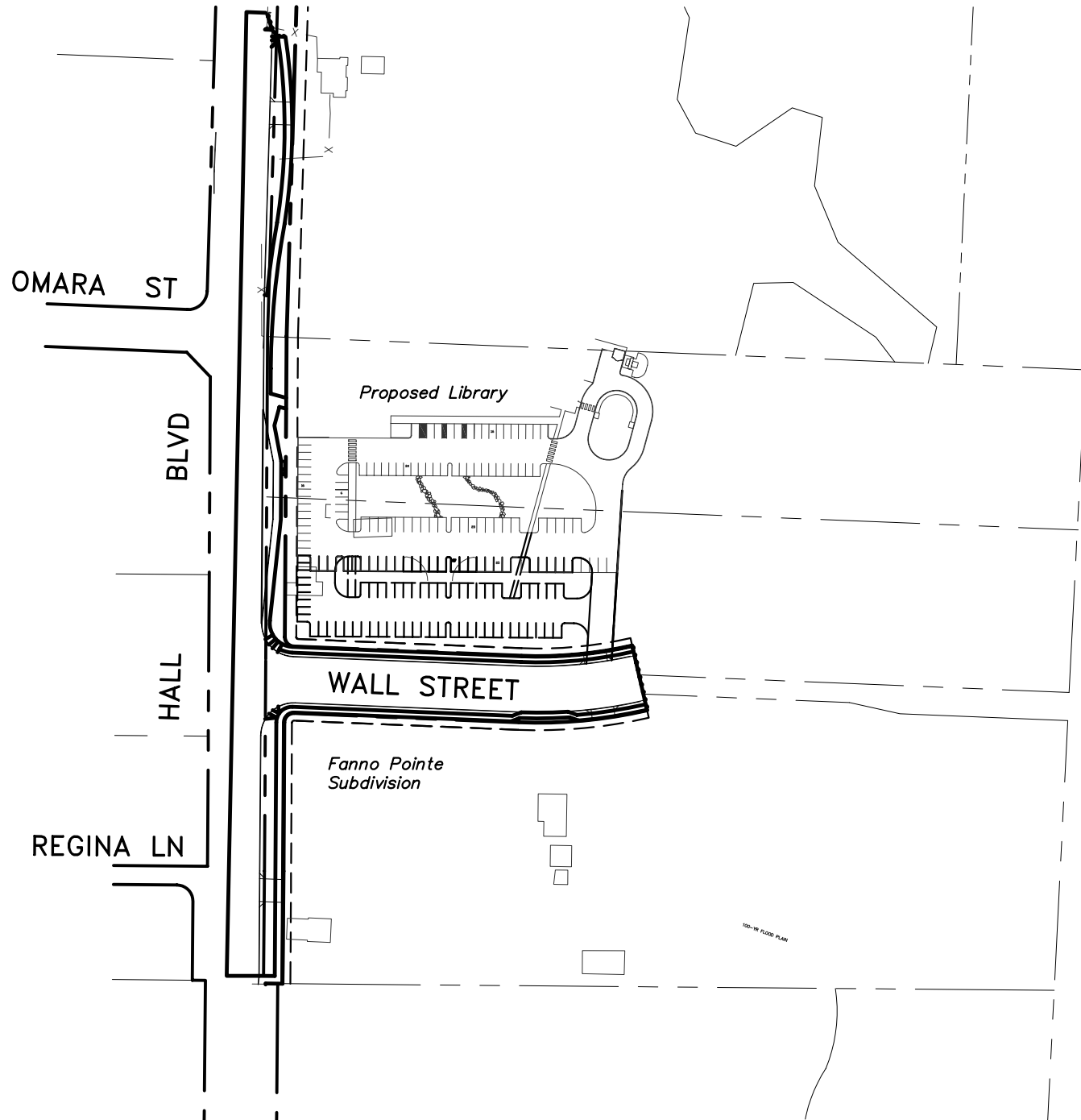
ATTACHMENT LIST

Project map.

FISCAL NOTES

Funding from the Traffic Impact Fee (TIF) Fund is available for the proposed contract for engineering services. The TIF will be supplemented by \$19,477 contributed to the design project by the owner of the Fanno Pointe development. The sum of \$568,000 from the library budget has been set aside for the City’s share of the cost of constructing the street improvements. The owner of the Fanno Pointe development has agreed to contribute an additional \$118,466 for construction. The remaining cost of construction will be funded by Traffic Impact Fees. The construction funding is being programmed in the City’s Capital Improvement Program for FY 2003-04.

HALL BLVD / WALL STREET



CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Bid award for City Hall HVAC Replacement

PREPARED BY: John Roy DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board award the Tigard City Hall HVAC Modification Project contract to the lowest responsive bidder, Portland Mechanical Contractors.

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board award the contract to the lowest responsive bidder, Portland Mechanical Contractors for an amount not to exceed \$223,886. This would include the base bid and the alternate.

INFORMATION SUMMARY

The existing HVAC equipment at City Hall was installed in 1985 and placed into service in 1986. The equipment is not energy efficient and is at the end of the manufacturer's recommended service life of 15 to 18 years.

In June of 2002 staff advertised for bid for a HVAC engineering consultant to review the current HVAC system at City Hall and make recommendations for upgrading the system to a more energy efficient system. After receipt of the consultant's recommendations, staff prepared bid specifications for an improved system. The project was advertised for bid in the Daily Journal of Commerce on December 20, 2002 and the Tigard Times on December 26, 2002. A mandatory pre-bid walk thru the City Hall facility was conducted on December 27, 2002. The bid closing date was January 28th, 2003. Four bids were received with one bid being non-responsive. The responsive bids were as follows:

<u>Bidder</u>	<u>Base</u>	<u>Alternate</u>
• Portland Mechanical Contractors	\$211,526	\$12,360
• Collins Mechanical Inc.	\$244,400	\$31,400
• Precision Construction	\$301,737	

The alternate bid involves performing the work on evenings and weekends. It may be necessary for some work to be performed on evenings or weekends to minimize the interruption of City Hall operations and public use of the building. The only cost to the contractor for working evenings or weekends is a 10% shift differential to their employees. Some of the work will be performed during regular business hours and the remaining will be completed in the evening or on weekends which will allow the project to be completed within the timeline specified, which is April 1st to May 31st, with as minimum disruption to staff and the public as possible, while offering the potential for bringing the final cost of the project under the not to exceed contract amount.

OTHER ALTERNATIVES CONSIDERED

1. Reject the staff recommendation and award the bid to the next lowest responsive bidder.
2. Reject all bids and direct staff to re-bid the project.
3. Reject all bids and give staff further direction.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

N/A

FISCAL NOTES

The FY02/03 Capital Facility budget has allocated \$262,500 for this project. This bid award not to exceed \$223,886 is within the budget.

AGENDA ITEM # _____
FOR AGENDA OF February 25, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Discussion with State Senator Ginny Burdick and State Representative Max Williams

PREPARED BY: Cathy Wheatley DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

A discussion with State Senator Ginny Burdick and State Representative Max Williams on issues of interest to Council.

STAFF RECOMMENDATION

Identify issues of interest or concern for Senator Burdick and Representative Williams.

INFORMATION SUMMARY

The Legislative Assembly convened on January 13, 2003. As long as the Assembly is in session, Senator Burdick and Representative Williams will meet with Council on the 4th Tuesday of each month during the Council business meeting to update Council on legislative activities

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character and Quality of Life, Goal 1, Communication and Strategy 3, Encourage public participation through accessibility and education.

FISCAL NOTES

None

AGENDA ITEM # _____
FOR AGENDA OF February 25, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN THE
WATER CIP FUND AND CREATING A NEW POSITION TO MANAGE WATER CIP PROJECTS

PREPARED BY: Craig Prosser DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the Council amend the Water CIP Fund budget to create a new position to manage Water CIP projects accelerated as a result of the planned construction of Ryder School?

STAFF RECOMMENDATION

Adopt the resolution to amend the budget.

INFORMATION SUMMARY

The long term Water Master Plan calls for a new reservoir and related improvements to serve the 550 foot service zone by 2009. The City and the Tigard Tualatin School District have agreed that this reservoir will be located on property to be the site of the proposed Alberta Rider School. With the passage of the Tigard-Tualatin School District Construction Bond last May, the school district has decided to proceed with the construction of Alberta Rider School before 2009. It is, therefore, necessary to accelerate the Water reservoir and related projects so that they will be in place prior to construction of the school. This will minimize disruption of school property after the school opens and will save construction costs by minimizing coordination issues. The reservoir and related improvements will be paid for by a Water Revenue Bond to be issued later in 2003.

The Public Works Department has determined that it will be more cost efficient and effective to hire an in-house project manager for these projects. The projects are expected to cost almost \$9 million. It is important that the projects be tightly managed and coordinated with other Water projects. The Department is proposing to create a new Engineering Manager position, effective May 1, 2003 to manage these projects. The position will be retained for the life of these projects, currently expected to be three years. After that time, the position will no longer be needed and will be eliminated. The cost of the position will be paid for out of the Water Revenue Bond.

The attached resolution amends the budget of the Water CIP Fund to create the position for the remainder of this fiscal year, and transfers funds from the Water CIP Fund to pay the costs of the position. The Department will request funding for this position in FY 2003-04 during the regular City budget process. Staff will bring a resolution to a later Council meeting to declare the City's intent to reimburse itself for these and other project costs incurred prior to the issuance of the bond from the bond proceeds.

OTHER ALTERNATIVES CONSIDERED

Do not create a new position; contract out project management work.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

NA

ATTACHMENT LIST

Resolution and Exhibit A to the Resolution

FISCAL NOTES

The cost in FY 2002-03 is \$16, 200. In FY 2003-04, the cost is \$98,060 (salary plus benefits). These costs will be paid for out of the CIP project budgets.

CITY OF TIGARD, OREGON

RESOLUTION NO. 03-_____

A RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN THE WATER CIP FUND
AND CREATING A NEW POSITION TO MANAGE WATER CIP PROJECTS

WHEREAS, the City's Water System Master Plan includes several projects in future years including construction of a new reservoir at the Alberta Rider School property for the 550 Foot Water Zone and related pump station and supply piping, and

WHEREAS, these improvements were originally scheduled to be constructed in 2009, and

WHEREAS, the City has agreed with the Tigard-Tualatin School District to construct the 550 Foot Zone reservoir on the Alberta Rider School property before the school is built, to minimize disruption of the school property after Alberta Rider School is opened and to reduce construction costs, and

WHEREAS, with the passage of the Tigard-Tualatin School District Construction Bond by voters in May 2002, the school district has decided to proceed with the construction of Alberta Rider school, and

WHEREAS, it is necessary to adjust the Tigard Water capital construction schedule to coordinate with the construction of Alberta Rider School, and

WHEREAS, the City has determined that it will be more cost-effective to manage these projects with in-house staff, rather than contracting for construction management services, and

WHEREAS, it is necessary to create a new position, effective May 1, 2003, and to adjust appropriations in the Water CIP Fund to manage the 550 Foot Zone water reservoir projects.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1. The FY 2002-03 Budget of the City of Tigard is hereby amended as shown on Exhibit A, to transfer \$16,200 from the Water CIP Fund contingency to the Public Works Program Expenditures to pay for a new position to manage the 550 Foot reservoir and related CIP projects.

SECTION 2. The FY 2002-03 Capital Improvement Plan of the City of Tigard is hereby amended to add a new project in the Water System for the planning and construction of the 550 Foot Zone Reservoir and related improvements, to be paid for out of the Water CIP Fund.

SECTION 3. This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2003.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Attachment A
FY 2002-03
Budget Amendment # 5

FY 2002-03 Revised Budget	Budget Amendment # 5	Revised Revised Budget
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Water CIP Fund

Resources

Beginning Fund Balance	\$ 4,062,226		\$ 4,062,226
Interest Earnings	142,200		142,200
Total	\$4,204,426	\$0	\$4,204,426

Requirements

Public Works Program	0	16,200	16,200
Program Expenditures Total	\$0	\$16,200	\$16,200
Capital Improvements	\$670,000		\$670,000
Contingency	\$100,500	(\$16,200)	\$84,300
Total Requirements	\$770,500	\$0	\$770,500
Ending Fund Balance	3,433,926		3,433,926
Grand Total	\$4,204,426	\$0	\$4,204,426